

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAMARA WAREKA a/k/a
TAMARA WILLIAMS,

Plaintiff,

-v-

LENOX AESTHETICS INC. and DOES
1-10, inclusive,

Defendants.

22-CV-6213 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Pending before the Court is a request for attorney's fees on behalf of Plaintiff's counsel. (ECF No. 26.)

Under the Copyright Act, 17 U.S.C. § 505, "the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs."

Because the Court has entered a default judgment against the Defendant, ECF No. 25, Plaintiff is the prevailing party in this action. Considering Defendant's "failure to defend or otherwise participate in this action," *Prepared Food Photos, Inc. v. Trip Rest. LLC*, No. 1:22-CV-07953, 2023 WL 2955298, at *7 (S.D.N.Y. Apr. 14, 2023), an award of full costs and attorney's fees to Plaintiff is appropriate.

Plaintiff's counsel has submitted an affidavit indicating that it expended 22.7 hours on this matter, including 7.2 hours of attorney time and 15.5 hours of time from paralegals and support staff. The Court has performed the required lodestar analysis and concludes that the expenditure of 22.7 hours total was reasonable. The Court also finds that the requested hourly

rates of \$250 per hour for attorneys and \$100 per hour for support staff are reasonable and in line with rates typically awarded in the Southern District. *See id.* (collecting cases); *Wareka v. Drylux LLC*, No. 21 CV 2422, 2022 WL 2467544, at *6 (E.D.N.Y. Apr. 7, 2022), *report and recommendation adopted*, No. 21 CV 2422, 2022 WL 2753106 (E.D.N.Y. July 14, 2022) (awarding same rates to Plaintiff's counsel in similar case where the defendant defaulted).

The motion for attorney's fees is therefore GRANTED. Plaintiff's counsel is awarded \$3,350 in fees and costs.

The Clerk of Court is directed to close the motion at ECF No. 26 and to close this case.

SO ORDERED.

Dated: June 30, 2023
New York, New York



J. PAUL OETKEN
United States District Judge